

Assistant Chief, Fiscal Branch

22 July 1949

Office of the General Counsel

"Temporary-indefinites"

1. Reference is made to our memorandum of 8 July 1949, concerning the application to "temporary-indefinites" of this Agency, of the Civil Service Commission's within-grade salary advancement plan for persons serving under temporary appointments, and emergency-indefinite employees. This memorandum was in response to your office memorandum of 6 July.

2. The attention of this office has been directed to the fact that the term "temporary-indefinite", as used for the administrative purposes of this Agency, may not have an equivalent meaning with the term "temporary-indefinite" as used in the Civil Service Regulations. If this is so, it would then follow that employees of this Agency would not be occupying the equivalent of permanent positions for the purpose of the within-grade salary advancement plan.

3. "Temporary-indefinite" as used for the administrative purposes of this Agency, would appear to involve many considerations, including a determination of a person's competency, conduct, experience, adaptability to Agency requirements, character and fitness, security, etc., the favorable resolution of which will normally result in a conversion of the employee's preliminary status. Actually, the status of the employee is kindred to a probational appointment. "Temporary indefinite", as used in the Civil Service Regulations, is defined as "temporary pending the establishment of a register". Thus, there is a variance in the extension of the term as used by the Civil Service Commission and as used by this Agency, particularly since section 6.116 (b) provides for excepted positions.

4. Therefore, though there is apparent consistency in the expression of the term, upon analysis of the underlying actual circumstances, we find that the terms do not cover the same extension of subjects. Since there is no common middle term, we must conclude that temporary indefinites of this Agency are not eligible for the within-grade salary advancement plan prescribed by Section 2.3 (b) of the Civil Service Rules.

STATINTL

JK/JS

cc: Subject
Chrono
Legal Decisions

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See OGC-234